

United States District Court

EASTERN DISTRICT OF VIRGINIA
401 COURTHOUSE SQUARE
ALEXANDRIA, VIRGINIA 22314-5799

CHAMBERS OF
LEONIE M. BRINKEMA
DISTRICT JUDGE

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June 21, 2013

Mary McLeod
Principal Deputy Legal Adviser
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Ms. McLeod:

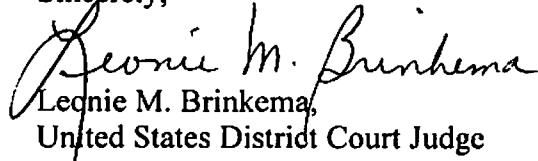
I write regarding *Doe v. Yusuf Abdi Ali*, No. 1:05-CV-701, a civil action before me in the United States District Court for the Eastern District of Virginia.

In this litigation, two anonymous individuals have filed claims against Yusuf Abdi Ali under the Alien Tort Statute and the Torture Victim Protection Act. "John and Jane Doe," who reside in northwest Somalia, assert that Mr. Ali was a commander in the Somali National Army under the Siad Barre regime from approximately 1984 to 1989, and that he and his soldiers targeted individuals they suspected of supporting rebel forces. Both allege that they were arrested, detained, and tortured; specifically, Jane Doe claims that she was beaten while pregnant, suffered a miscarriage, and was imprisoned in a windowless cell for six years, and John Doe states that he was shot multiple times by Mr. Ali at point-blank range. Mr. Ali, who is now a U.S. resident living in Virginia, denies these allegations.

This lawsuit was originally filed in November 2004 but was stayed to allow the State Department to advise the Court as to (1) whether it objects to this action going forward on the grounds that former Somali officials should have immunity, and (2) whether fact discovery in Ethiopia would interfere with U.S. foreign policy. The United States never filed a specific response as to this case, but did file a Statement of Interest in a related case in which it opined that a former Prime Minister and Defense Minister of Somalia does not enjoy immunity. *See Yousuf v. Samantar*, 1:04-cv-1360 (E.D. Va.). More recently, the Court also temporarily stayed the lawsuit to allow the U.S. Supreme Court to reach a decision in *Kiobel v. Royal Dutch Petroleum*, 133 S.Ct. 1659 (2013), which involved the territorial reach of the Alien Tort Statute.

Given the United States' recent recognition of the Somali government, the Court has again temporarily stayed this action to give the State Department an opportunity to advise it as to whether allowing this litigation to proceed would have any negative effect on the foreign relations of the United States. If the State Department wishes to communicate its views on this issue, please be advised that its opinion must be received on or before September 19, 2013.

Sincerely,


Leonie M. Brinkema,
United States District Court Judge